

EXHIBIT C**Division of Fish and Wildlife Response****312 IAC 9-3-2 Licenses and general requirements for deer hunting**

The statute that established the lifetime license (IC 14-22-12-7) was repealed in 2014. Therefore, the references to this statute must indicate "before its repeal" in order to accurately reflect the statutory authority used to issue those licenses. The lifetime licenses can still be used as they were in the past.

Changes to the licensing system for hunting and fishing licenses are in the process, and retailers will be able to check-in deer for hunters through a system similar to the current electronic licensing system. This will eliminate the need for the DNR to have check station materials printed and distributed, and save time entering information from hand-written log sheets to a database. Hunters will be able to take their deer and wild turkeys to a physical check station, but that check station will be required to use the electronic system to record the deer and turkeys that are taken, instead of hand-writing the information in a book, giving out a metal tag, and shipping the materials back to the DFW. This will not only save the state money, but it will also allow harvest data to be available for law enforcement to view as soon as it is entered into the system, instead of waiting until staff enter all of the information from the log sheets into a database.

312 IAC 9-3-3 Equipment for Deer Hunting

Several years ago, the Division of Fish and Wildlife (DFW), along with conservation partners, developed an Indiana Deer management Strategy that focused deer herd reduction in a strategically targeted manner to more adequately balance ecological, recreational and economic needs of the citizens of Indiana. The primary methods used by DFW to manage the deer herd include hunting season dates, number of hunting opportunity days, bag limits and associated hunter harvest of antlerless deer, particularly those taken through county and urban deer zone (proposed deer reduction zone) antlerless quotas. The DFW believes that allowing the use of center-fire rifles would not increase deer harvest or reduce the size of the deer herd.

The Division of Law Enforcement surveyed other states to determine whether or not center-fire rifles were allowed to be used for deer hunting and if so, if there was an increase in accidents related to hunting with a rifle versus hunting with a shotgun, muzzleloader, or handgun. No state surveyed mentioned safety as a reason to not allow the use of center-fire rifles. Most often, increased harvest was the reason cited for disallowing their use. Based on the survey from other states and hunter accident statistics with the rifles currently used in Indiana, the Division of Law Enforcement indicated that there was not a concern for safety if center-fire rifles were allowed to be used for deer hunting. Therefore, the DFW believes this to be a social issue.

On a regular basis, the Division of Fish and Wildlife (DFW) has received public comment requesting that additional rifle cartridges be allowed for deer hunting in Indiana, and the Natural Resources Commission received two petitions requesting the use of center-fire rifles. Therefore, in response to public and legislative inquiries, DFW proposed rule amendments to the Natural

Resources Commission (NRC) that would legalize additional rifle cartridge sizes and thereby allow for additional center-fire rifles to be used while deer hunting.

Public comments were received both in opposition and in support of the proposal to allow the additional rifle cartridges, including those that are considered to be high-powered.

A large number of comments were in opposition to the proposal for reasons that include:

- public safety (particularly with the flat topography in the central and northern part of the state);
- potential reduced hunter access with landowners or towns/cities further restricting the use of firearms because of increased concerns about safety;
- amount of equipment that is already legal to use to take deer; and
- deer over-harvest.

Comments from supporters included:

- these rifles are allowed in other states and therefore, should be allowed in Indiana;
- these rifles are allowed in Indiana already for coyotes, groundhogs, and some other species of animals;
- certain parts of the state have the topography that eliminates the main safety concerns;
- rifles are easy for youth and women to use; or
- need to restrict magazine restrictions/have an upper size limit/allow only in certain parts of the state.

The DFW surmised from all of the comments that while many people are interested in using these center-fire rifles, we found out that many people are not interested and strongly oppose their use. Therefore, the DFW does not recommend approval of this proposed change.

312 IAC 9-3-4 Deer season dates and bag limits

Adding or removing deer-reduction zones on an annual basis would give the DFW more flexibility to address deer density conflicts and to respond to disease threats more quickly. The DFW is attempting to be proactive in addressing problems associated with high deer densities and potential disease issues that might arise in the future. Deer densities are increasing in a number of communities that don't necessarily meet the typical definition of an urban landscape. In addition, the DFW cannot predict where a serious deer issue will occur. By removing the words "urban deer zone" and changing it to a "deer reduction zone", allowing firearms to be used (where allowed by local ordinance), and increasing the number of deer that can be taken in these zones, communities will have greater flexibility to address deer densities in areas that cannot support large numbers of hunters. By determining these deer reduction zones on an annual basis, the DFW feels that zones can be adjusted annually to focus deer harvest in a more strategic and targeted manner.

The deer reduction zones that are planned include: (1) Evansville Zone, (2) Lafayette Zone, (3) Indianapolis Zone (All of Marion County) and portions of Johnson, Hendricks, Boone, and Hamilton Counties, (4) Allen County Zone (primarily Ft. Wayne), (5) Lake County Zone (not all of the county), and (6) Porter County (not all of the county).

312 IAC 9-3-12 Foxes, coyotes, and skunks

The DFW is requesting to remove the proposed change that would eliminate the requirement of getting written permission from a landowner to take coyotes on another person's land at any time of year. Written permission is required by state law (IC 14-22-6-12), and public comments were received in support of the written permission requirement.

312 IAC 9-3-15 Nuisance wild animals

The DFW believes that a landowner or tenant should be able to authorize a friend, relative, or other individual in writing to be able to take one of these nuisance wild animals for them without a permit, as long as there is no compensation of any kind. This may affect some nuisance wild animal control businesses, but some individuals that do not have the money to hire someone to do this work for them may have a relative or friend that could do this for them at no charge. Additionally, it would save the landowner or tenant time if the person helping them did not have to get a permit to help in an emergency situation.

312 IAC 9-3-16 Cottontail rabbits

The proposed change for cottontail rabbits only establishes a limit on hunting hours during the month of February on certain DNR properties to protect wildlife populations during this time of year. These areas already receive a tremendous amount of pressure so this is a move to help alleviate some of this pressure during a period of intense environmental stress. It does not change the rabbit season, but it does create hunting hours to avoid further stressing wildlife populations by disrupting them during a critical period after months of pressure. It is believed that this will help manage for sustainable wildlife populations. Comments were received that did not support any rabbit hunting during the month of February in order to help protect the rabbit population which appeared to be related to the February season state wide rather than this specific proposal on certain DNR properties.

312 IAC 9-3-18.6 Wild pigs

The DFW believes that dogs should not be able to be used to take wild pigs because it will help prevent wild pigs from being pushed into new areas when being chased by dogs. The DFW allows wild pigs to be taken at any time of year in an effort to help eliminate the population in the State of Indiana, and this change would help prevent their spread into new areas where they can cause additional damage to property. Illinois, Kansas, and Tennessee have already prohibited the use of dogs for hunting wild pigs.

312 IAC 9-4-10 Ruffed grouse

The DFW cannot support a season for ruffed grouse when the grouse population is projected to drop below "viable population levels" within the next couple of years in portions of its existing range in south central Indiana. Annual roadside surveys continue to find little or no presence of ruffed grouse in many stops along control routes. No drumming male ruffed grouse were heard on the 14 roadside survey routes (15 stops/routes) during the 2013 survey period and only one grouse has been heard on these routes in four years. The five-year (2009-2013) mean drumming index for the control routes was less than 0.01 drummers per stop (about 1 drummer heard every

190 stops), which is less than 1 percent of levels recorded during the peak years of 1979-81. For the eighth consecutive year, no drumming activity centers were located on the Maumee Grouse Study Area where population monitoring began in the early 1960s. Advancement of forest succession (maturity) is a major reason for decline of the ruffed grouse. Prospects for a population recovery are dismal and extirpation seems possible if the season is not closed. The DNR is required by law to manage, conserve, and protect wild animal populations for present and future generations and without this closure, the DFW believes that ruffed grouse will be extirpated from the State of Indiana.

312 IAC 9-5-6 Collection and possession of reptiles and amphibians native to Indiana

The proposed changes establish a season for eastern snapping turtles, smooth softshell, and spiny softshell turtles from July 1 through March 31 of the following year, reduces the daily bag limit to four per species per day for these turtles, and requires the carapace length of these species of turtles to be at least twelve (12) inches in length to be taken from the wild.

Turtle populations are under pressure worldwide, with forty-one (41%) percent of recognized species currently threatened with extinction and at least 8 species extirpated, according to the International Union of Conservation Nature and Natural Resources Red List. Habitat destruction and capture for the pet and food trades remain the top reasons for this continuing decline. Road mortality and high populations of native predators (such as raccoons) also increase pressure on turtle populations. International trade data demonstrate that, as Asian turtle species disappear from overharvest, American species such as these are being increasingly exported to fill the demands of Asian markets. Mounting evidence indicates long-lived organisms like turtles cannot sustain continuous harvest of reproductive females without population declines. Given these factors, the current season, bag limit and possession limit for Eastern snapping turtles and softshell turtles in Indiana are believed to be unsustainable and will result in population declines. The commercial use (sale) of these species is already prohibited in 312 IAC 9-5-7.

312 IAC 9-7-4 Muskellunge and tiger muskellunge

Lake Webster, along with its interconnected waters (known as Backwater Lake and Kiser Lake), is Indiana's broodstock source for capturing adult Muskellunge and procuring eggs to support the DFW's statewide Muskie stocking program. Adult muskie catch rates declined sharply in at Webster Lake in spring 2015, and some evidence suggests fewer young muskies are surviving due to a variety of possible factors. Muskie fishing in Indiana depends entirely on stocking. Increasing the minimum size limit to 44 inches could help alleviate the effects of a potential decline in muskie recruitment. By maintaining Muskellunge populations on these lakes, anglers will continue to fish at these locations for these species and have "trophy" muskies to fish for. The DFW does not believe that this increase in the muskie size limit will impact fishing for other species in these three lakes.

312 IAC 9-7-10 Sunfish

Public comments were received both in support and in opposition to this proposal to establish a daily bag limit of 25 sunfish per day per person. A number of comments were received that

expressed concerns about vacations, such as week-long fishing trips, in which the individual would only be able to keep 50 bluegill (combined with other species of sunfish) because of the possession limit (two times the daily bag limit) that would apply. The possession limit rule in 312 IAC 9-2-8 applies to temporary or transient lodging, such as cabins and campgrounds, but it does not apply when the wild animal (such as bluegill) is processed and stored at an individual's primary residence. Therefore, individuals have stated that they would no longer take fishing trips to some state parks and other locations to fish if this proposal were to pass as is currently proposed. Therefore, because of the economic impact, the DFW is requesting to not give this rule change final adoption. The DFW plans to propose a similar change in the future with changes to the possession limit rule at the same time in order to address these concerns but still provide protection for the resource.

312 IAC 9-7-12 Walleye; sauger; saugeye

Public comments were received in support of the proposed new sixteen (16) inch size limit for public waters north of State Road 26. The DFW would like to modify the language in (c) so that the sixteen (16) inch size limit applies to the St. Joseph River and Elkhart River in St. Joseph and Elkhart Counties as well. It will be much simpler for anglers to know the size limit when they are fishing this area if the minimum size limit is the same throughout the entire stretch of the river. The public comments indicated that they assumed that these rivers were included in the new proposed size limit, and since they are north of St. Rd. 26, it would make the rule simpler and easier to enforce to include them. Exceptions to a 16-inch minimum size limit would include lakes with documented slow growth of walleye or other special regulatory needs. The rest of Indiana's public waters (except the Ohio River) would remain regulated by a 14-inch walleye size limit.

Proposed change for 312 IAC 9-7-12(c):

- (c) An individual must not take or possess a walleye from:
- ~~(1) the St. Joseph River in St. Joseph County or Elkhart County or from;~~
 - ~~(2) the Elkhart River from its confluence with the St. Joseph River to the first dam in Elkhart County; or~~
 - (3) Lake George in Steuben County** unless the walleye is at least fifteen (15) inches long.